

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ESTHER L ALLEY,

Plaintiff,

v.

CARRINGTON MORTGAGE
SERVICES LLC, et al.,

Defendants.

CASE NO. C16-1796 RAJ

ORDER

This matter comes before the Court on Defendants Selene Finance, L.P.'s and Mortgage Electronic Registration Systems, Inc.'s (collectively, "Defendants") motion to dismiss (Dkt. # 12) and Plaintiff's motion to continue (Dkt. # 13). For the reasons set forth below, the Court **GRANTS** Defendants' motion to dismiss and **DENIES** Plaintiff's motion for continuance.

On May 25, 2017, the Court granted Plaintiff's motion to amend her complaint. Dkt. # 11. The operative complaint is filed at docket number 10. The Amended Complaint does not cure the defects found in Plaintiff's original Complaint. Specifically, the Amended Complaint remains too vague to afford Defendants proper notice about the claims and actions for which they are called upon to defend.

1 On June 12, 2017, Defendants filed a Motion to Dismiss the Amended Complaint.
2 Dkt. # 12. On July 6, 2017—one day before the noting date of the motion—Plaintiff
3 responded that she summarily opposes the motion and requested a continuance to file a
4 response. Dkt. # 13. The Court did not relieve Plaintiff from meeting her response
5 deadline; Plaintiff subsequently failed to file a response to the motion within the required
6 deadline to oppose. On August 7, 2017—one month after the noting date on Defendant's
7 motion—Plaintiff filed her opposition. Dkt. # 15. This untimely response merely quotes
8 the language of *Bell Atlantic Corp. v. Twombly*, 550 U.S. 544 (2007) and *Ashcroft v.*
9 *Iqbal*, 556 U.S. 662 (2009), and repeats the vague allegations in her Amended Complaint.
10 *See generally* Dkt. # 15.

11 As an initial matter, the Court does not find good cause to grant Plaintiff's motion
12 for a continuance to respond to the pending motion. Plaintiff chose to bring this lawsuit
13 and bears the responsibility of prosecution. Because she failed to properly respond to the
14 motion in a timely manner, the Court has the discretion to grant the motion on these
15 grounds alone. Even if the Court were to consider Plaintiff's untimely response, it would
16 still reach the same conclusion. Plaintiff's response does not meaningfully address the
17 legal arguments set forth in Defendant's motion, and her Amended Complaint remains
18 inadequate.

19 For these reasons, the Court **GRANTS** Defendants' motion (Dkt. # 12) and
20 **DENIES** Plaintiff's motion for continuance (Dkt. # 13). Accordingly, Plaintiff's claims
21 are dismissed as to Selene Finance, L.P. and Mortgage Electronic Registration Systems,
22 Inc.

23 Dated this 5th day of February, 2018.

24 
25

26 The Honorable Richard A. Jones
27 United States District Judge